

REMARKS

REJECTIONS UNDER 35 U.S.C § 102

Claims 1-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2001/0028649 (*Pogossiants*). Claims 1-29 have been canceled and claims 30-45 have been added. Therefore, the rejection of claims 1-29 is moot. The present application was filed March 26, 2001. *Pogossiants* has a later filing date of April 6, 2001, but claims priority to provisional application No. 60/267,294, filed on February 7, 2001. If the provisional application fails to adequately disclose the pertinent features of *Pogossiants* that provide the Examiner's basis for rejecting the claims, then the applicant respectfully submits the rejection under 35 U.S.C. § 102(e) would be improper and reserves the right to obtain and inspect a copy of the provisional application to consider the appropriateness of this 102(e) rejection. In any case, the applicant respectfully submits claims 30-45 are not anticipated by *Pogossiants* for at least the reasons described below.

Claim 30 recites, in part, the following:

determining a first protocol in use on a first communication pathway;  
**configuring a first interface device coupled with the first communication pathway to operate in accordance with the first protocol;**

Independent claim 37 recites similar limitations. *Pogossiants* discusses a system for providing third-party call control in a telecommunications environment. See Abstract. Essentially, *Pogossiants* discusses a call routing system. Call connections are established using a call model containing service logic, port identifications and an identification of gateways and possible endpoints. See page 3, paragraph 27.

The applicant respectfully submits that *Pogossiants* does not teach or disclose the limitations of claim 30. For example, *Pogossiants* does not teach or disclose **configuring a first interface device coupled with the first communication pathway to operate in accordance with the first protocol** as recited in claim 30. Because *Pogossiants* fails to disclose at least one of the claim limitations, the applicant respectfully submits claims 30 and 37 are not anticipated by *Pogossiants*.

Claims 31-36 depend from claim 30. Claims 38-45 depend from claim 37. Given that dependent claims necessarily include the limitations of the claims from which they depend, the applicant submits that claims 31-36 and 38-45 are not obvious in view of *Pogossiants*.

#### CONCLUSION

For at least the foregoing reasons, the applicant submits that the rejections have been overcome. Therefore, claims 30-45 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Applicants have included a copy of all claims in the attached index for the Examiner's convenience.

Please charge any shortages and credit any overcharges to our Deposit Account  
number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

Date: 10/1/04

  
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